

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

# GENERAL ABSTRACT

**Water Right Number:** 41B 40852-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Version Status:** ACTIVE

**Owners:** EAST BENCH IRRIGATION DISTRICT  
1200 MT HIGHWAY 41  
DILLON, MT 59725-8569

USA (DEPT OF INTERIOR BUREAU OF RECLAMATION)  
PO BOX 30137  
BILLINGS, MT 59107-0137

THIS IRRIGATION DISTRICT WAS ESTABLISHED UNDER TITLE 85, CHAPTER 7, MCA.

**Priority Date:** FEBRUARY 21, 1961

**Enforceable Priority Date:** FEBRUARY 21, 1961

**Type of Historical Right:** FILED

**Purpose (use):** INSTITUTIONAL

**Purpose Clarification:** DOMESTIC

**Maximum Flow Rate:** 530.00 CFS

**Maximum Volume:** 62.70 AC-FT

**Households:** 42

**Source Name:** BEAVERHEAD RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWW	17	8S	9W	BEAVERHEAD

**Period of Diversion:** APRIL 1 TO NOVEMBER 1

**Diversion Means:** DIVERSION DAM

**Ditch Name:** EAST BENCH CANAL

**Period of Use:** APRIL 1 to NOVEMBER 1

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	21	4S	6W	MADISON
2			NE	22	4S	6W	MADISON
3			S2	22	4S	6W	MADISON
4			W2	23	4S	6W	MADISON
5			W2E2	26	4S	6W	MADISON
6			W2	26	4S	6W	MADISON
7				27	4S	6W	MADISON
8				28	4S	6W	MADISON
9			SE	29	4S	6W	MADISON
10				32	4S	6W	MADISON
11				33	4S	6W	MADISON
12				34	4S	6W	MADISON
13			W2SE	35	4S	6W	MADISON
14			W2	35	4S	6W	MADISON
15			SW	1	5S	6W	MADISON
16				2	5S	6W	MADISON
17				3	5S	6W	MADISON
18				4	5S	6W	MADISON
19				5	5S	6W	MADISON
20			E2	6	5S	6W	MADISON
21				7	5S	6W	MADISON
22				8	5S	6W	MADISON
23				9	5S	6W	MADISON
24				10	5S	6W	MADISON
25				11	5S	6W	MADISON
26			NWNE	12	5S	6W	MADISON
27			NW	12	5S	6W	MADISON

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
28			N2	15	5S	6W	MADISON
29				16	5S	6W	MADISON
30				17	5S	6W	MADISON
31				18	5S	6W	MADISON
32			N2N2	19	5S	6W	MADISON
33			N2	20	5S	6W	MADISON
34			NWNW	21	5S	6W	MADISON
35				30	5S	6W	MADISON
36			SENE	12	5S	7W	MADISON
37			S2	12	5S	7W	MADISON
38			E2	13	5S	7W	MADISON
39			E2NW	13	5S	7W	MADISON
40			SWNW	13	5S	7W	MADISON
41			SW	13	5S	7W	MADISON
42			E2	23	5S	7W	MADISON
43				24	5S	7W	MADISON
44				25	5S	7W	MADISON
45			W2	26	5S	7W	MADISON
46			E2E2	27	5S	7W	MADISON
47			S2SW	27	5S	7W	MADISON
48			NE	33	5S	7W	BEAVERHEAD
49			S2	33	5S	7W	BEAVERHEAD
50				34	5S	7W	MADISON
51			SWNE	35	5S	7W	MADISON
52			NW	35	5S	7W	MADISON
53			SE	35	5S	7W	MADISON
54			E2SW	35	5S	7W	MADISON
55			N2	36	5S	7W	MADISON
56			NESE	36	5S	7W	MADISON
57			SW	36	5S	7W	MADISON
58			W2NW	1	6S	7W	MADISON
59			NWSW	1	6S	7W	MADISON
60				2	6S	7W	MADISON
61				3	6S	7W	MADISON
62				4	6S	7W	BEAVERHEAD
63				5	6S	7W	BEAVERHEAD
64				6	6S	7W	BEAVERHEAD
65				7	6S	7W	BEAVERHEAD
66				8	6S	7W	BEAVERHEAD
67				9	6S	7W	BEAVERHEAD
68				10	6S	7W	MADISON
69				11	6S	7W	MADISON
70				12	6S	7W	MADISON
71			NWNE	14	6S	7W	MADISON
72			W2	14	6S	7W	MADISON
73			N2	15	6S	7W	MADISON
74			SE	15	6S	7W	MADISON
75			NWNE	16	6S	7W	BEAVERHEAD
76			W2	16	6S	7W	BEAVERHEAD
77				17	6S	7W	BEAVERHEAD
78				18	6S	7W	BEAVERHEAD
79				19	6S	7W	BEAVERHEAD
80				20	6S	7W	BEAVERHEAD
81			W2	21	6S	7W	BEAVERHEAD
82			NWNE	29	6S	7W	BEAVERHEAD
83			NW	29	6S	7W	BEAVERHEAD
84			N2	30	6S	7W	BEAVERHEAD
85			NWSE	30	6S	7W	BEAVERHEAD
86			SW	30	6S	7W	BEAVERHEAD
87			SESE	1	6S	8W	BEAVERHEAD
88			E2	12	6S	8W	BEAVERHEAD
89			E2SW	12	6S	8W	BEAVERHEAD
90				13	6S	8W	BEAVERHEAD
91			SENE	23	6S	8W	BEAVERHEAD
92			SE	23	6S	8W	BEAVERHEAD
93				24	6S	8W	BEAVERHEAD
94				25	6S	8W	BEAVERHEAD
95			NE	26	6S	8W	BEAVERHEAD

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
96			S2	26	6S	8W	BEAVERHEAD
97			E2SE	34	6S	8W	BEAVERHEAD
98				35	6S	8W	BEAVERHEAD
99			N2	36	6S	8W	BEAVERHEAD
100			NWSE	36	6S	8W	BEAVERHEAD
101			NW	1	7S	8W	BEAVERHEAD
102			N2SW	1	7S	8W	BEAVERHEAD
103			N2	2	7S	8W	BEAVERHEAD
104			SE	2	7S	8W	BEAVERHEAD
105			SW	2	7S	8W	BEAVERHEAD
106			NE	3	7S	8W	BEAVERHEAD
107			S2	3	7S	8W	BEAVERHEAD
108			SESE	9	7S	8W	BEAVERHEAD
109				10	7S	8W	BEAVERHEAD
110			W2NE	11	7S	8W	BEAVERHEAD
111			SE	11	7S	8W	BEAVERHEAD
112			W2	11	7S	8W	BEAVERHEAD
113			NWSW	12	7S	8W	BEAVERHEAD
114			S2SW	12	7S	8W	BEAVERHEAD
115			N2NW	13	7S	8W	BEAVERHEAD
116			N2N2	15	7S	8W	BEAVERHEAD
117			SESE	19	7S	8W	BEAVERHEAD
118			S2	20	7S	8W	BEAVERHEAD
119			N2	21	7S	8W	BEAVERHEAD
120			W2SW	21	7S	8W	BEAVERHEAD
121			S2NE	22	7S	8W	BEAVERHEAD
122			N2SE	22	7S	8W	BEAVERHEAD
123			W2W2	23	7S	8W	BEAVERHEAD
124			NW	29	7S	8W	BEAVERHEAD
125			NE	30	7S	8W	BEAVERHEAD
126			N2SE	30	7S	8W	BEAVERHEAD
127			S2	31	7S	8W	BEAVERHEAD
128			W2NE	6	8S	8W	BEAVERHEAD
129			NW	6	8S	8W	BEAVERHEAD
130			NWSE	6	8S	8W	BEAVERHEAD
131			N2SW	6	8S	8W	BEAVERHEAD
132				1	8S	9W	BEAVERHEAD
133			SE	2	8S	9W	BEAVERHEAD
134			E2SE	10	8S	9W	BEAVERHEAD
135				11	8S	9W	BEAVERHEAD
136			NW	12	8S	9W	BEAVERHEAD
137			NW	14	8S	9W	BEAVERHEAD
138			NE	15	8S	9W	BEAVERHEAD
139			S2	15	8S	9W	BEAVERHEAD

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

40850-00      40851-00      40852-00

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 04/28/1982: TYPE OF RIGHT, PRIORITY DATE.

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/25/2010: PLACE OF USE AND FLOW RATE.

THE COMPLETE SET OF DOCUMENTATION, MAPS AND OTHER RELATED MATERIALS CAN BE OBTAINED BY REVIEWING FILE NO. 41B 40850-00.

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B ) AND USES IT IN THE BEAVERHEAD RIVER DRAINAGE (BASIN 41B ) AND THE RUBY RIVER DRAINAGE (BASIN 41C ). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

**Remarks:**

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 41C BASIN TEMPORARY PRELIMINARY DECREE ISSUED 11/14/1990.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A FILED APPROPRIATION ON BEAVERHEAD RIVER WITH A PRIORITY DATE POSTDATING CASE NO. 1053, BEAVERHEAD COUNTY.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE POINT OF DIVERSION DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED POINT OF DIVERSION.

IT APPEARS THE DOMESTIC PURPOSE FOR THIS RIGHT MAY BE LAWN AND GARDEN.

THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE TYPE OF DOMESTIC USE AND NUMBER OF ACRES OF DOMESTIC IRRIGATION COULD NOT BE IDENTIFIED. HOWEVER, DOCUMENTATION IN FILE NO. 40850-00 INDICATES THE MAXIMUM POPULATION SERVED ON THE PROJECT IS 209 PEOPLE.